

AGENDA

MEETING OF THE MAYOR AND ALDERMEN

FEBRUARY 19, 2004

1. Recommend approval of the minutes of the meeting of February 5, 2004.
2. An appearance by Chairperson Shirley James and other members of the Black Heritage Festival Planning Committee concerning the 2004 Savannah Black Heritage Festival, which will be held from February 22 to 29.
3. An appearance by Executive Director Bart Brophy and founder and Chatham County Coordinator Doris Phillips of Living Independence for Everyone (LIFE), Inc., to present information concerning LIFE's services and to express appreciation for funds from the City.
4. An appearance by Wonita Smith, Family, Career and Community Leaders of America (FCCLA) Advisor at Myers Middle School, Rachael Brown, Student President, and others to receive a proclamation designating February 8-14, 2004 as "National FCCLA Week" in Savannah.
5. An appearance by Philip Heidt, 2003 President of the Savannah Board of Realtors, to receive a proclamation designating February 21, 2004 as "Realtor Day" in Savannah.
6. An appearance by Michael G. Popson, Memorial SportsOne Manager and Jennifer Kingsby, Staff Athletic Trainer and Beach High School Head Trainer, to receive a proclamation designating March 2, 2004 as "Athletic Training Day" and March 2004 as "National Athletic Training Month" in Savannah.

ALCOHOLIC BEVERAGE LICENSE HEARINGS

7. Tia Howard trading as Detour @ The Spot, requesting a liquor, beer and wine (drink) license at 7010 Skidaway Road (Nottingham Plaza), which had a 2002 beer and wine (package) license and is located between Beaumont and Biscayne Drives in District 4. (Continued from February 5, 2004.) Recommend approval.

8. Jacqueline Somesso trading as Oz, requesting a liquor, beer and wine (drink) license at 641 Indian Street, which had a 2003 liquor, beer and wine (drink) license and is located between Fahm and Warner Streets in District 1. (Continued from February 5, 2004. See attached letter.) Recommend that the applicant appear and explain how she will address concerns about noise, unruly behavior, and underage patrons expressed during a show cause hearing on December 18, 2003 for Sandra Early trading as (912) The Nine One Deuce at 641 Indian Street. Recommend also that the applicant explain whether the name of the proposed alcohol establishment is taken from the cable television series of the same name about a maximum security prison.
9. Christina Chapman trading as Mellow Mushroom, requesting a beer and wine (drink w/Sunday sales) license at 11 W. Liberty Street, which had a 2003 beer and wine (drink w/Sunday sales) license and is located between Whitaker and Bull Streets in District 2. Recommend continuing the hearing until a case pending in Recorder's Court is resolved regarding the placement of tables and chairs on the sidewalk without a 2004 permit. The hearing in Recorder's Court is scheduled for February 23.
10. Quelin Edith Frazier trading as Residence Inn Hotel, requesting a beer and wine (drink) license at 5710 White Bluff Road, which had a 2003 beer and wine (drink) license and is located between Lee Boulevard and Johnson Street in District 4. Recommend approval.
11. Mack F. Johnson trading as Regency Stone Ventures LP doing business as Clubhouse Inn & Suites, requesting a liquor, beer and wine (drink) license at 6800 Abercorn Street, which had a 2003 liquor, beer and wine (drink w/Sunday sales) license and is located between Hood Street and Jackson Boulevard in District 4. Recommend approval.
12. Jeffrey S. Mell trading as Lavidia Country Club, Inc. requesting a liquor and beer (drink w/Sunday sales) license at 525 Windsor Road, which had a 2003 liquor and beer (drink w/Sunday sales) license and is located between Largo Drive and Deerfield Road in District 6. Recommend approval.
13. Atul Patel trading as Pritan Inc., requesting a beer and wine (package) license at 5815 Waters Avenue, which had a 2003 beer and wine (package) license and is located between 72nd Street and DeRenne Avenue in District 4. Recommend approval.
14. William Thomas Quick trading as Mandy's, requesting a beer (drink) license at 2750 Louisville Road, which had a 2003 beer (drink) license and is located between Telfair Road and Fair Street in District 1. Recommend approval.

15. Morris Siyman trading as Marriott Hotel Savannah, requesting a liquor, beer and wine (drink w/Sunday sales) license at 100 General McIntosh Boulevard, which had a 2003 liquor, beer and wine (drink w/Sunday sales) license and is located between Bay and President Streets in District 2. Recommend approval.
16. Morris Siyman trading as TGI Friday's, requesting a liquor, beer and wine (drink w/Sunday sales) license at 100 General McIntosh Boulevard, which had a 2003 liquor, beer and wine (drink w/Sunday sales) license and is located between Bay and President Streets in District 2. Recommend approval.
17. Shelley S. Smith trading as V, requesting a liquor, beer and wine (drink) license at 220 W. Broughton Street, which had a 2002 liquor, beer and wine (drink) license and is located between Barnard and Jefferson Streets in District 1. Recommend approval.
18. Patricia Jan Wilson trading as Clarys Cafe, requesting a beer and wine (drink w/Sunday sales) license at 4430 Habersham Street, which had a 2003 beer and wine (drink w/Sunday sales) license and is located between 60th and 61st Streets in District 4. Recommend approval. The B-N (Neighborhood-Business) zoning allows a sit-down restaurant to serve alcoholic beverages only as part of a meal (Use 48).

ZONING HEARINGS

19. Metropolitan Planning Commission (Z-031217-38393-2), recommending the rezoning of 196 residential properties within the Richfield subdivision from R-6 (One-Family Residential) to R-20 (Single-Family Residential). The R-6 and R-20 districts have nearly identical uses but the R-20 district's development standards require larger lots, larger side and rear yards, and lower buildings. Recommend approval. The typical Ritchfield lot has square footage and width consistent with the R-20 district. Rezoning to R-20 is consistent with the Future Land Use Plan and will prevent less compatible, more dense development permitted by the R-6 zoning. Council approved a similar rezoning for the Coffee Bluff area in 2001.
20. Tim Wilson and Don Linder, Agents, Annette Oberly, Owner (Z-031226-33162-2), requesting to rezone 321 W. Montgomery Cross Road from R-6 (One-Family Residential) to PUD-IS-B (Planned Unit Development-Institutional). The Metropolitan Planning Commission (MPC) recommends denial of PUD-IS-B and approval of PUD-IS-B-12 (Planned Unit Development-Institutional). The recommended PUD-IS-B-12 zoning, with its density of 12 units per net acre, will allow limited non-residential development and residential development consistent with the area's predominately multi-family residential uses. Recommend approval of the MPC recommendation.

21. William Rhangos, Agent for Richard Arnold School, LLC (Z-031231-514412-2), requesting to rezone 1810 Bull Street from R-I-P (Residential-Institutional-Professional) to R-I-P-B (Residential, Medium Density). MPC recommends denial of R-I-P-B and approval of P-R-I-P-B (Planned Residential, Medium Density). The recommended P-R-I-P-B zoning, with the "P" indicating "Planned", would allow multi-family and compatible non-residential uses in this mixed land use area and require MPC review and approval of a site plan. Recommend approval of the MPC recommendation.

PETITIONS

- 21.1. Edward T. Brennan, Attorney at Law - Petition # 9802, requesting a Quit Claim Deed to redeem Lot 37, White Ward (PIN 2-0044-28-004), also known as 304 E. Park Avenue, to clear a Marshal's Deed filed in 1975. Recommend approval. The petitioner has ownership interest in the property by virtue of a deed issued by Chatham County and has paid all monies owed the City. (See "RESOLUTIONS").
- 21.2. T.H. Guerry, III – Petition #9775, requesting to transfer Bonaventure Cemetery, Greenwich Addition, Section 13, Block MM, Lot 22, all available spaces, from T. H. Guerry, III to K. F. Beam. Recommend approval. Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Greenwich Addition, Book of Titles C, Folio 362, show this lot in the name of T. H. Guerry, III. There is no reason transfer should not be made as requested by the lot owner.
- 21.3. Katherine J. Warner, Dr. G. Trippe Jones, Jr. and Anita J. Detamore – Petition #9787, requesting to transfer Bonaventure Cemetery, Section A, Lot 259, all available spaces, from Henry F. Graham (deceased great grandfather) to Katherine J. Warner, Dr. G. Trippe Jones, Jr. and Anita J. Detamore (great grandchildren). Recommend approval. Records on file at Bonaventure Cemetery show this lot in the name of H. F. Graham. There is no reason transfer should not be made as requested by his heirs.
- 21.4. Nita T. Morgan – Petition #9788, requesting to transfer Bonaventure Cemetery, Section K, Lot 227, from Corley B. Morgan, Jr. (deceased husband) to Nita T. Morgan (wife), to be included as owner with Carly M. Wisler and Frieda M. Toler. Recommend approval. Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles B, Folio 124, show this lot in the names of Carly M. Wisler, Corley B. Morgan, Jr. and Frieda M. Toler. There is no reason transfer should not be made as requested by his heir.

- 21.5.** Hilda H. Hunt – Petition #9789, requesting to transfer Bonaventure Cemetery, Section L, Lot 1053, Spaces 1, 2, 3, 4 and 5, from Frank Herman (deceased stepfather) to Hilda H. Hunt (stepdaughter). Recommend approval. Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles E, Folio 79, show this lot in the name of Frank Herman. There is no reason transfer should not be made as requested by his heir.
- 21.6.** Hilda H. Hunt – Petition #9790, requesting to transfer Bonaventure Cemetery, Section L, Lot 82, Spaces 5, 6, 7 and 8, from Mrs. Anna Herman (deceased mother) to Hilda H. Hunt (daughter). Recommend approval. Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles C, Folio 36, show this lot in the name of Anna Herman. There is no reason transfer should not be made as requested by her heir.
- 21.7.** Mary M. Howard – Petition #9791, requesting to transfer Bonaventure Cemetery, Section Q, Lot 84, from W. A. Howard (deceased husband) to Mary M. Howard, Linda H. Banta, Waldean Hall and JoAnn Howard. Recommend approval. Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles G, Folio 146, show this lot in the name of W. A. Howard. There is no reason transfer should not be made as requested by his heir.
- 21.8.** Julia D. Witt – Petition #9792, requesting to transfer Bonaventure Cemetery, Greenwich Addition, Section 13, Block F, Lot 1, Spaces 3, 4, 5, 6 and 7, from Julia D. Witt and Richard E. Witt (deceased husband) to Barbara W. Gustin. Recommend approval. Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Greenwich Addition, Book of Titles D, Folio 18, show this lot in the names of Richard E. or Julia D. Witt. There is no reason transfer should not be made as requested by the lot owner.
- 21.9.** Lawrence W. Rivers – Petition #9795, requesting to add Cynthia R. Hilbert's name to Laurel Grove Cemetery South, Section C, Lot 389. Recommend approval. Records on file in the Office of the Clerk of Council, Laurel Grove Cemetery South, Book of Titles C, Folio 109, show this lot in the name of Lawrence W. Rivers. There is no reason the name should not be added as requested by the lot owner.

ORDINANCES

First and Second Readings

- 22.** Stop Sign. An ordinance to authorize making traffic on Marlborough Way stop for traffic on Kent Drive. (Traffic Engineering Report approved February 5, 2004.) Recommend approval.

23. Parade and Assembly. An ordinance to require a permit for parades or public assemblies and to provide for exceptions, a single application process, final approval or denial by the Chief of the Metropolitan Police Department, and an appeal process. (See memo at back of agenda.) Recommend approval.

RESOLUTIONS

- 23.1. Quit Claim Deed - Edward T. Brennan. A resolution to authorize granting a Quit Claim Deed to Edward T. Brennan for Lot 37, White Ward (PIN 2-0044-28-004), also known as 304 E. Park Avenue, in consideration of his having purchased the property and paid all monies due the City. (See "Petition #9802".) Recommend approval.

BIDS, CONTRACTS AND AGREEMENTS

24. Telecommunications Management Services - Annual Contract Renewal. Recommend approval to renew an annual contract for telecommunications consulting services from the Georgia Municipal Association (GMA) in the amount of \$17,500. The renewal is needed to ensure compliance by all of the City's cable and telecommunications franchisees. The consulting services cover a broad range of compliance issues, including contracts and agreements, rates, franchise transfers, cellular and Personal Communication Systems (all-in-one wireless phone, paging, messaging, and data service) tower sites, and public rights-of-way management. Recommend approval.
25. Industrial and Domestic (I & D) Water Plant Drainage Ditch Maintenance – One Time Purchase – Bid No. 03.363. Recommend approval to procure drainage ditch maintenance from Delmonico Restoration and Development, LLC in the amount of \$145,298.61. This project will take eight to twelve weeks to provide clearing, grading, drainage and erosion control associated with approximately 2,200 linear feet of ditch maintenance and construction of approximately 1,500 linear feet of maintenance road at the I & D Water Plant. The low bidder is within the range of the engineering estimate.

Bids were received January 20, 2004. This bid has been advertised, opened and reviewed. Delivery: 90 Days. Terms: Net-30 Days. The bidders were:

L.B. * Delmonico Restoration	\$	145,298.61
Malphrus Construction	\$	498,150.00

Funds are available in the 2004 Budget, Account No. ID702. A Pre-Bid Conference was conducted and four vendors attended. (*Indicates minority vendor.) Recommend approval.

26. Ultraviolet Light Modules – Sole Source – Requisition No. 153893. Recommend approval to procure four ultraviolet light modules from Trojan Technologies in the amount of \$16,016.00. The light modules are needed for the Georgetown Wastewater Treatment Plant's disinfection system.

The reason why a sole source vendor is required is that these lights are only available from the system manufacturer.

The offer was received February 10, 2004. The offer was opened and reviewed. Delivery: 2 Weeks. Terms: Net-30 Days. The bidder was:

S.S. Trojan Technologies	\$ 16,016.00
--------------------------	--------------

Funds are available in the 2004 Budget, Account No. 16,016.00. A Pre-Bid Conference was not conducted as this is a sole source purchase. Recommend approval.

27. Sedans – One Time Purchase – Bid No. 04.006. Recommend approval to procure 10 each standard size sedans from Butler Chrysler, Dodge, Jeep (Item 1) in the amount of \$103,610.00 and 28 mid-size sedans from J.C. Lewis (Item 2) in the amount of \$328,524.00. These vehicles are fleet replacements for units no longer economical to operate or maintain. Twenty-five of the mid-size sedans will be used as police investigative vehicles.

J.C. Lewis Ford is the second low bidder meeting specifications for item 2, is a local firm within 1% of the low bidder, and has agreed to match the low bid as allowed under the City's Local Vendor Preference Ordinance.

Bids were received January 20, 2004. This bid has been advertised, opened and reviewed. Delivery: 60-90 Days. Terms: Net-30 Days. The bidders were:

	<u>Item 1</u>	<u>Item 2</u>
L.B. Butler Chrysler, Dodge, Jeep	<u>\$103,610.00</u>	\$332,388.00
L.B. J. C. Lewis Ford	\$107,651.20	<u>\$328,524.00</u>
Kings Colonial	\$106,980.00	\$328,524.00
* Alan Vigil	\$113,630.00	\$354,172.00
* Chatham Parkway Toyota	\$203,250.00	\$393,092.00

Funds are available in the 2004 Budget, Account No. 613-9230-51515. A Pre-Bid Conference was conducted and one vendor attended. (*Indicates minority vendor.) Recommend approval.

28. Pickup Trucks – One Time Purchase – Bid No. 04.005. Recommend approval to procure 25 full size ½-ton pickup trucks (Item 1) from J.C. Lewis Ford in the amount of \$320,877.00; two full size ½-ton, four-wheel drive trucks (Item 2) from O.C. Welch in the amount of \$31,522.00; six full size ¾-ton pickup trucks (Item 3) from Kings Colonial in the amount of \$84,598.38; one full size ¾-ton, four-wheel drive pickup truck (Item 4) from J.C. Lewis Ford in the amount of \$17,127.00; one ¾-ton, diesel pickup truck (Item 5) from J.C. Lewis Ford in the amount of \$18,965.00 and one compact ¼-ton pickup truck (Item 6) from J.C. Lewis Ford in the amount of \$11,377.36.

J.C. Lewis Ford was the second low bidder meeting specifications on items 1, 4 and 5 and has agreed to match the low bids as allowed under the City's Local Vendor Preference Ordinance.

Bids were received January 20, 2004. This bid has been advertised, opened and reviewed. Delivery: 60-70 Days. Terms: Net-30 Days. The bidders were:

		<u>Item 1</u>	<u>Item 2</u>	<u>Item 3</u>	<u>Item 4</u>	<u>Item 5</u>	<u>Item 6</u>
L.B.	J.C. Lewis Ford	\$320,877.00	\$32,477.76	\$86,899.68	\$17,127.00	\$18,965.00	\$11,377.36
L.B.	O.C. Welch Ford	\$321,500.00	\$31,522.00	\$86,808.00	\$17,127.00	\$18,965.00	\$12,186.00
L.B.	Kings Colonial	\$320,877.00	\$32,356.00	\$84,598.38	\$18,237.73	\$19,090.65	\$12,269.00
	* Allan Vigil Ford	\$332,900.00	\$33,916.00	\$89,994.00	\$17,993.00	\$19,921.00	\$12,612.00
	Carl Black GMC	\$349,200.00	\$33,840.00	\$102,480.00	\$19,534.00	\$21,831.00	\$12,634.00
	Butler Chrysler	\$359,325.00	\$33,400.00	\$97,386.00	\$18,942.00	\$20,900.00	\$12,080.00

Funds are available in the 2004 Budget, Account No. 613-9230-51515. A Pre-Bid Conference was conducted and one vendor attended. (*Indicates minority vendor.) Recommend approval.

29. Montgomery Cross Road Stormwater Pump Station (DR-124-97) – Summary Change Order. Recommend approval of a summary change order in the amount of \$314,085.00 with PINCO for construction of the Montgomery Cross Road Stormwater Pump Station.

This change order provides for final adjustments in actual construction quantities in materials, supplies, equipment, and labor as compared to the estimated quantities used for bidding and as certified meeting construction specifications. The construction work was completed as of May 1, 2003.

Recommend approval of the Summary Change Order in the amount of \$314,085.00 with PINCO. Recommend approval.

30. Concrete/Asphalt Crushing – One Time Purchase – Bid No. 03.283. Recommend approval to procure concrete/asphalt crushing from Atlas Aggregates in the amount of \$17,035.63. The Streets Maintenance Department will re-use the crushed concrete and asphalt for repairs.

Street and utility repairs generate considerable excavated concrete and asphalt. These waste materials are temporarily stored on City property and transferred to the Dean Forest Road Landfill for disposal. Crushing them for re-use will produce a net savings of approximately \$13,000.00.

Bids were received October 14, 2003. This bid has been advertised, opened and reviewed. Delivery: 30 Days. Terms: Net-3%-10 Days. The bidders were:

L.B.	Atlas Aggregates	\$	17,035.63
	ABC Crushing	\$	23,100.00

Funds are available in the 2003 Budget, Account No. 2105-51295. A Pre-Bid Conference was conducted and two vendors attended. Recommend approval.

31. Replacement and Repairs to Transmission for Fire Truck 7504 – Emergency Purchase - Requisition No. 153060. Recommend approval to procure transmission replacement and repair services for unit 7504 from Williams Detroit Diesel Allison in the amount of \$10,902.24. Williams Detroit, the local dealer, determined that the fire truck's transmission could not be repaired. In order to rapidly return this critical need vehicle to service, the transmission was replaced on an emergency basis.

The bidder was:

E.P.	Williams Detroit Diesel Allison	\$	10,902.24
------	---------------------------------	----	-----------

Funds are available in the 2004 Budget, Account No. 611-113-51254. A Pre-Bid Conference was not conducted as this is a emergency purchase. Recommend approval.

32. Cart Dumping Units – One Time Purchase – Bid No. 04.049. Recommend approval to procure 12 cart dumping units from Bayne Machine Works in the amount of \$27,891.36. The replacement cart dumping units will be used on refurbished City refuse trucks.

The supplier has agreed to hold the price from a bid approved by Council in November 2001. Bayne is the manufacturer of these units which have been used successfully for the past two years. Vehicle Maintenance desires the same units for maintenance and interchangeability purposes.

The reason for not originally selecting the low bidders is that Toter, Inc. and Otto Industries did not meet specifications regarding design of the actuator of the rack and pinion type and cycle time of 6-8 seconds. These features are important to reduce maintenance costs and trash pickup time.

Bids were received October 9, 2001. This bid was advertised, opened and reviewed. Delivery: One Day. Terms: 2%-15 Days. The bidders were:

L.B. Bayne Machine Works	\$	27,891.36
+ Toter, Inc.	\$	21,540.00
+ Otto Industries	\$	23,559.96
Lifters, Inc.	\$	27,700.00
MAYO Corporation	\$	29,220.00

Funds are available in the 2004 Budget, Account No. 613-9230-51515. A Pre-Bid Conference was conducted and two vendors attended. (+Indicates low bidder did not meet specifications.) Recommend approval.

33. Emergency Medical Dispatch Training – One Time Purchase – Sole Source. Recommend approval to procure emergency medical dispatch training for 41 City of Savannah dispatchers from PowerPhone in the amount of \$14,309.00. The services are needed to train and certify City personnel in emergency medical dispatch which they have not previously handled.

The reason why a sole source provider is necessary is that PowerPhone is the provider used by the former Chatham County police department whose dispatchers have already been trained. It is desirable that the same training and training materials be used for the merged dispatch center so that calls are handled in the same manner by all personnel.

The offer was received January 28, 2004. Delivery: April-June 2004. Terms: Net-30 Days. The bidder was:

S.S. PowerPhone, Inc.	\$	14,309.00
-----------------------	----	-----------

Funds are available in the 2004 Budget. A Pre-Bid Conference was not a conducted as this is a sole source purchase. Recommend approval.

34. Design Services for Gwinnett Street Widening (TE709) – Request for Proposal No. 03.258. Recommend approval to procure engineering services from Hussey, Gay Bell & Deyoung, Inc. in the amount of \$168,750. The engineering services are needed to design the widening of Gwinnett Street from Interstate 16 to Stiles Avenue. The fee proposal also includes new bridge design and curve improvements.

Nine proposals were received on September 23, 2003. Five of the proposers were found to be qualified and selected for further consideration. Interviews were conducted with the five finalists on November 20, 2003 and finalists were asked to submit best and final offers.

The evaluation committee consisted of staff from Traffic Engineering, Streets Maintenance and Engineering. Proposals were evaluated based on qualifications, project approach, scheduling and fee. The proposers were:

B.P. Hussey, Gay Bell & Deyoung	\$	168,750.00
LAI Engineering	\$	206,300.00
Thomas and Hutton	\$	331,160.00
Jordon, Jones and Goulding	\$	384,352.00
Moreland Altobelli	\$	405,590.00

Consulting Firm	Qualifications (45 pts)	Project Approach (20 pts)	Project Schedule (10 pts)	Presentation (10 pts)	Fee (25 pts)	Total (110 pts)
Hussey, Gay, Bell & DeYoung	37	13	6	7	25	88
LAI Engineering	29	11	6	6	25	77
Thomas & Hutton Engineering	41	17	7	8	13	86
Jordan Jones & Goulding	38	14	8	7	10	79
Moreland Altobelli	33	13	6	7	10	69

Funds are available in the 2004 Budget CIP TE-709. A Pre-Proposal Conference was conducted and twelve consultants attended. Recommend approval.

City of Savannah
Summary of Solicitations and Responses
For February 19, 2004 Agenda

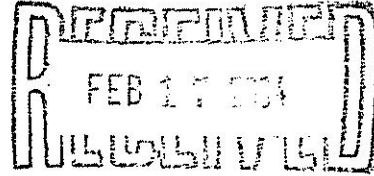
<u>Bid Number</u>	<u>Annual Contract</u>	<u>Description</u>	<u>Local Vendor Available</u>	<u>Minority Vendor Available</u>	<u>Total Sent</u>	<u>Sent to MWBE</u>	<u>Total Received</u>	<u>Received From MWBE</u>	<u>Est. Award Value</u>	<u>Est. MWBE Award</u>	<u>Low Bid Vendor Type</u>	<u>MWBE Sub</u>	<u>Vendor Type</u>
B03.363		Industrial and Domestic Drainage Ditch Maintenance	Yes	Yes	180	42	2	1	\$145,299.00	C	\$9,444.00	F	0
R153893		Ultraviolet Light Modules	No	No	1	0	1	0	\$ 16,016.00	0	D	0	0
B04.006		Sedans	Yes	Yes	24	5	5	2	\$103,610.00	0	D	0	0
B04.005		Pick Up Trucks	Yes	Yes	37	7	6	1	\$398,346.86	0	B	0	0
B03.283		Concrete/ Asphalt Crushing	Yes	Yes	27	9	2	0	\$17,035.00	0	B	0	0
R153060		Replacement and Repairs to Transmission for Fire Truck 7504	No	No	1	0	1	1	\$10,902.24	0	B	0	0
B04.049		Cart Dumping Units	No	No	5	0	5	0	\$27,891.36	0	D	0	0

VENDOR(S)*

- A. Local Minority
- B. Local Non-Minority
- C. Non-Local Minority
- D. Non-Local Non-Minority
- E. Woman Owned
- F. Non-Local Woman Owned

*THE LAW OFFICES OF
DIANE MORRELL MCLEOD
1318 ABERCORN STREET
SAVANNAH, GEORGIA 31401*

*TELEPHONE 912-236-9600
FACSIMILE 912-236-9620*



**CITY MANAGERS OFFICE
REPLY TO:
P.O. BOX 9434
SAVANNAH, GEORGIA 31412**

February 12, 2004

City of Savannah
Attn.: Michael Brown, City Manager
Post Office Box 1027
Savannah, Georgia 31402

RE: Application of Jacqueline Sossemo for a liquor license

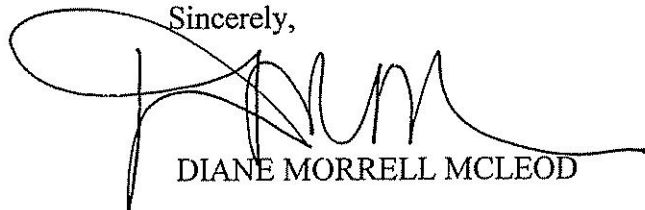
Dear Mr. Brown:

This firm represents Ms. Sossemo. I along with Ms. Sossemo appeared before City Council on February 5, 2004, regarding her application for a liquor license. At the hearing, my client and I advised the council that the request for a minor's permits would be withdrawn from her application.

Thus, please consider this letter Ms. Sossemo's formal request to withdraw the request for a minor's permit from her application for a liquor license.

Should you have any questions, please feel free to call.

Sincerely,



DIANE MORRELL MCLEOD

DMM/nsk

cc: Jacqueline Sossemo



Inter-departmental Memorandum

City Manager's Office

To: Mayor & Aldermen

From: Michael B. Brown, City Manager *Michael*

Date: February 10, 2004

Subject: Parade & Public Assembly Ordinance

Background

City policies, ordinances and administrative procedures for parades, large events and festivals on public property have been developed over many years. Because of our need to handle major festivals like St. Patrick's Day, and increasing popularity of our squares and Forsyth Park as venues for weddings, gatherings, etc., Savannah is ahead of most communities in managing its public spaces.

Although our current approach to permitting use of public space is very comprehensive, rules and procedures are located in several different areas of the City Code. To make it easier to apply for use of public space and to administer the use, City staff developed a consolidated parade and public assembly ordinance and application.

Parade and Public Assembly Ordinance

This ordinance provides for the following:

- A single application process;
- final approval/denial by the Chief of Metropolitan Police Department; and,
- an appeal process.

This comprehensive ordinance will ensure that our public spaces are used appropriately, enjoyed by our citizens & visitors, and are protected for future generations.

This ordinance was prepared in cooperation with Chatham County. By both the City and County adopting similar ordinances with the SCMPD Chief responsible for approving/denying applications, use of public space can be better managed.

Recommendation

I recommend you approve this ordinance on first & second reading at the February 19, 2004 City Council meeting.

Attachment: Parade and Public Assembly Ordinance

An Ordinance

Parade and Public Assembly Ordinance

Section X – 01. Definitions

(a) *Chief of Police* means the Chief of the Savannah/Chatham Metropolitan Police Department.

(b) *City* means the City of Savannah

(c) *Parade* means any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or combination thereof upon the streets, parks or other public grounds within the City with an intent of attracting public attention that interferes with the normal flow or regulation of traffic upon the streets, parks or other public grounds.

(d) *Person* means any person, firm, partnership, corporation, company or organization of any kind.

(e) *Public assembly* means any meeting, demonstration, picket line, rally or gathering for a common purpose that interferes with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area or facilities open to the general public.

(f) *Sidewalk* means any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

(g) *Street* means any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip.

(h) *Hearing Officer* means an impartial person with sufficient legal training to review application of this ordinance who has been appointed by the Chief of Police upon the filing of an appeal of a permit denial.

Section X – 02. Permit Required.

It shall be unlawful to engage or conduct any parade or public assembly without first receiving a permit from the Chief of Police after application made according to the requirements set out hereinafter.

Section X – 03. Exceptions.

This ordinance shall not apply to the following:

- (a) Funeral procession;
- (b) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;
- (c) City of Savannah sponsored events;
- (d) Casual park use that does not normally attract a crowd of onlookers; and,
- (e) A governmental agency acting within the scope of its functions.

Section X-04. Application

(a) The person or persons associated in fact, whether or not a legally recognized entity, who wish to conduct a parade or public assembly shall apply to the Chief of Police for a permit. Such application shall at a minimum include:

1. The name and address of the applicant. If the applicant is an association of persons in fact or in law, the application shall contain a description of the entity; the name of said entity, if named; the registered or recognized address of the entity; the name of the person making the application on behalf of the entity; such person's relationship to said entity; and some demonstration or recitation of the authority of the person making the application to act on behalf of the entity.

2. A plan that must include the following information about the parade or public assembly:

- i. The anticipated number of persons participating;
- ii. The date or dates;
- iii. The hours of each day the parade or public assembly will be conducted;
- iv. The exact location, or, if the parade or public assembly is processional or mobile, the route;
- v. Whether sound amplification equipment will be employed and, if so, the hours it will be employed;
- vi. Whether artificial lighting will be employed;
- vii. Whether temporary static structures will be employed, and if so, a complete description (including measurements) of the structure;
- viii. Whether vehicles will be employed, and if so, a description of each vehicle that will be used and how it will be used;
- ix. A description of the anticipated need for safety, police, medical, sanitation, and other required personnel and equipment, with the anticipated needed numbers and posting by location and time of personnel needed;

- x. A description of provisions necessary to the safety and welfare of the participants in the event and members of the public in the area where the event will be conducted and routes of access thereto and therefrom;
- xi. A description of measures that will be taken to ensure public health and sanitation;
- xii. Whether the event will require that the public spaces or facilities to be used or burdened, or the routes and means of access thereto and therefrom, be temporarily diverted from their dedicated or customary uses, or the public or private users thereof be diverted or excluded from, or limited in their use or enjoyment of, or their access to or through, said spaces or facilities, before, during or after the event.

3. A disclosure as to whether the applicant or entity for whom the application is being made has in the past conducted or participated in an event of a substantially similar nature to that which is the subject of the application, and, if so, where and when such prior event(s) took place, and whether as a result of such event(s) the applicant or entity became subject, whether or not then operating under the same name, as plaintiff or defendant, of any legal action, civil, criminal or administrative.

4. A disclosure as to whether the applicant or entity for whom the application is made has defaulted upon or is in arrears as to any judgment, civil, criminal, or administrative rendered against applicant or entity, whether or not then operating under the same name, as a result of participation in any prior event(s) of a substantially similar nature to that which is the subject of the instant application, and if so, a description of said judgment or order and an explanation for non-compliance.

5. An indemnification and hold harmless agreement in favor of the City of Savannah, its elected officials, officers, agents, and employees, in a form satisfactory to the City Attorney.

(b) Where an event conducted on, over, or upon, or burdening public properties, or employing the facilities thereon, which is also to substantially involve or take place partly or wholly upon private property with the consent of the owner(s) thereof, such owner(s) or their authorized representatives must join as an applicant for any permit for such event.

Section X – 05. Review by the Chief of Police.

(a) Within ten working days of receipt of an application, the Chief of Police shall review the application in light of all contents and goals, intentions, and presumptions as set out in this ordinance, and render a decision and communicate same to Applicant, either permitting the event as planned or

denying a permit for event. If the permit is denied, the Chief of Police shall provide the applicant in writing a statement of the reasons therefore.

(b) Nothing in this process shall prevent the Chief of Police, at its sole option within the ten day period for approval or denial, to confer with Applicant with respect to modifications of Applicant's plan for the event, and amend the application to reflect such modifications if agreed to by Applicant. However, Applicant may neither supplement nor amend its application within the ten day period except at the invitation of the Chief of Police. Any attempt to do so *sua sponte* shall be deemed a separate and new application.

(c) The Chief of Police may deny the application for permit upon any of the following reasons or combination of reasons:

1. The application does not contain all required information, or that information set out is so incomplete, vague, or ambiguous as to prevent full and proper review;
2. The application contains material omissions, falsehoods, or misrepresentations;
3. The applicant or entity represented by applicant is incompetent to contract, sue, or be sued;
4. The person applying lacks authority to present the entity for which the application is made;
5. The applicant or entity represented by applicant has on prior occasions damaged public property or has not paid in full for such damages, or is in arrears as to any judgment civil, criminal, or administrative rendered against the applicant or entity, or is in violation of any injunction or restraining order entered against the applicant or entity, whether under the same name(s) or another;
6. The applicant or entity has on prior occasions violated permitting ordinances in connection with events of a substantially similar nature;
7. The plan of the event as proposed would present an unreasonable danger to the health or safety of participants in the event or other members of the public (though not through the agency of any predicted reaction by onlookers or members of the public);
8. The plan of the event as proposed would unduly restrict and/or congest (vehicular or pedestrian) on any of the public roads, right of ways, sidewalks, or waterways in the immediate vicinity of such event;
9. The plan of the event as proposed would constitute an unreasonable disturbance of the peace, or would unreasonably burden lawful commerce in the area at the time of the proposed event, or would unreasonably intrude upon the privacy or property of citizens in the area of the proposed event;
10. The plan of the event as proposed includes activities which are prohibited by laws of the United States, the State of Georgia, or ordinances of the City of Savannah or Chatham County, or activities which constitute nuisance or tortious conduct with respect to public or private property or persons.

Section X – 06. Appeal of Permit Denial.

(a) Upon receipt of any decision by the Chief of Police to deny an application in whole or in part, the applicant may within five calendar days file an appeal of said denial with the Chief of Police which appeal shall be in writing and be sent to the Chief of Police by certified mail. Upon receipt of such appeal, the Chief of Police shall appoint a Hearing Officer.

(b) The Hearing Officer shall set a hearing date not more than seven calendar days after notice of appeal by the Chief of Police. The Hearing Officer shall cause notice of the hearing to be served upon the applicant by certified U.S. mail. Such notice shall include the hearing date and time.

(c) At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to produce any and all evidence concerning the denial of the permit.

(d) Within seven calendar days after conclusion of the hearing, the Hearing Officer shall make a written decision on the appeal, which shall affirm, alter or reverse the denial of the application by the Chief of Police. The notice of the decision shall be sent to all parties by certified U.S. mail and shall set forth the reasons for the decision.

(e) The decision of the Hearing Officer shall be binding on all parties, subject to the right of appeal as provided by O.C.G.A. 5-4-1, et seq.

Section X – 07. Intent

It is the specific intent of the City in enacting this ordinance to regulate only the time, place and manner of events and not to regulate the content or message of any speech or expressive conduct.

Section X – 08. Revocation.

Notwithstanding the grant of any permit as provided herein, the Chief of Police shall have the authority to terminate a parade or public assembly at any time, or prevent its initiation, should traffic, weather, or other conditions develop which present an imminent and undue danger to those participating in the event pursuant to said permit, to the public at large, or should any consideration or combination of considerations enumerated herein as a ground for denial of a permit arise or first become apparent to law enforcement authorities after the grant of a permit. If in preparation of or after the start of a parade or public assembly for which a permit has been issued, participants in said event violate the terms of the permit or deviate in material fashion from the plan submitted in

application for permit, the Chief of Police shall have the authority to terminate the event.

Section X – 09. Effective date.

This ordinance will become effective upon adoption. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section X – 10. Severability.

Should any section, provision, or clause of any part of this ordinance be declared invalid or unconstitutional, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances be declared invalid or unconstitutional, such invalidity shall not be construed to affect portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City of Savannah that this ordinance would have been adopted had any such invalid portion not been included herein.